

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2007-0711-PWS-E **TCEQ ID:** RN100224104 **CASE NO.:** 33506  
**RESPONDENT NAME:** Red River Redevelopment Authority

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Red River Army Depot, on Caney Lake Road, 3,000 feet southwest of the intersection of Caney Lake Road and East Boundary Patrol Road, Bowie County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one additional pending enforcement actions regarding this facility location, Docket No. 2004-0968-PWS-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on September 17, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3048; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Duane Lavery, Executive Director, Red River Redevelopment Authority, 107 Chapel Lane, New Boston, Texas 75570  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> April 5, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b>  July 7 and 20, 2006; January 17 and 30, 2007 (NOVs); November 10, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review. Two violations were documented.</p> <p><b>WATER</b></p> <p>1) Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") [30 TEX. ADMIN. CODE § 290.113(f)(4), TEX. HEALTH &amp; SAFETY CODE § 341.0315(c), and Agreed Order Docket No. 2004-0968-PWS-E, Ordering Provision No. 2].</p> <p>2) Failed to comply with the MCL of 0.060 mg/L for haloacetic acids ("HAA5") [30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p>	<p><b>Total Assessed:</b> \$2,600</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$2,600</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b> The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p><b>Ordering Provisions:</b></p> <p>The order will require the Respondent to:</p> <p>a. Within 365 days after the effective date of this Agreed Order:</p> <p>i. Return to compliance with the running annual average MCL for TTHM; and</p> <p>ii. Return to compliance with the running annual average MCL for HAA5.</p> <p>b. Within 380 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): PWS Registration No. 0190021



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

**TCEQ**

**DATES**

Assigned 16-Apr-2007

PCW 4-May-2007

Screening 4-May-2007

EPA Due 1-Mar-2007

## RESPONDENT/FACILITY INFORMATION

Respondent Red River Redevelopment Authority

Reg. Ent. Ref. No. RN100224104

Facility/Site Region 5-Tyler

Major/Minor Source Minor

## CASE INFORMATION

Enf./Case ID No. 33506

Docket No. 2007-0711-PWS-E

Media Program(s) Public Water Supply

Multi-Media

No. of Violations 2

Order Type Findings

Enf. Coordinator Amy Martin

EC's Team Enforcement Team 2

Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

Subtotal 1 \$1,000

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 135% Enhancement

Subtotals 2, 3, & 7 \$1,350

Notes

Enhancement recommended due to six Notices of Violation ("NOVs") for violations that are same or similar, 20 NOVs for violations that are not same or similar, two agreed orders containing a denial of liability, and one agreed order without a denial of liability.

Culpability

Yes

25% Enhancement

Subtotal 4 \$250

Notes

The Respondent received prior notification of a quarterly exceedence dated February 4, 2004.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement\*

Subtotal 6 \$0

Total EB Amounts \$671  
Approx. Cost of Compliance \$5,000

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7**

Final Subtotal \$2,600

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$2,600

**STATUTORY LIMIT ADJUSTMENT**

Final Assessed Penalty \$2,600

**DEFERRAL**

0%

Reduction

Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

\$2,600

Screening Date 4-May-2007

Docket No. 2007-0711-PWS-E

PCW

Respondent Red River Redevelopment Authority

Policy Revision 2 (September 2002)

Case ID No. 33506

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100224104

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	6	30%
	Other written NOVs	20	40%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 135%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

**Compliance History Notes** Enhancement recommended due to six Notices of Violation ("NOVs") for violations that are same or similar, 20 NOVs for violations that are not same or similar, two agreed orders containing a denial of liability, and one agreed order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 135%

Screening Date 4-May-2007

Docket No. 2007-0711-PWS-E

PCW

Respondent Red River Redevelopment Authority

Policy Revision 2 (September 2002)

Case ID No. 33506

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100224104

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.113(f)(4) and Tex. Health &amp; Safety Code § 341.0315(c) and Agreed Order Docket No. 2004-0968-PWS-E, Ordering Provision No. 2

Violation Description Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on a running annual average. Specifically, the running annual average concentration of TTHM was 0.212 mg/L for the second quarter of 2006, 0.191 mg/L for the third quarter of 2006, and 0.206 mg/L for the fourth quarter of 2006.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Exceeding the MCL for TTHM exposed the customers of the water supply to a significant amount of contaminants which did not exceed levels protective of human health.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 3

774 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty \$750

Three annual events are recommended based on the date the Agreed Order became effective (March 21, 2005) to the date of screening (May 4, 2007).

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$337

Violation Final Penalty Total \$1,950

This violation Final Assessed Penalty (adjusted for limits) \$1,950

## Economic Benefit Worksheet

Respondent Red River Redevelopment Authority  
 Case ID No. 33506  
 Reg. Ent. Reference No. RN100224104  
 Media Public Water Supply  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,500	22-Mar-2006	30-Nov-2008	2.7	\$337	n/a	\$337

Notes for DELAYED costs

The delayed costs include the amount to implement an alternative method of disinfection, calculated from the date the facility should have complied with the technical requirements in Agreed Order Docket No. 2004-0968-PWS-E to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$337

Screening Date 4-May-2007

Docket No. 2007-0711-PWS-E

PCW

Respondent Red River Redevelopment Authority

Policy Revision 2 (September 2002)

Case ID No. 33506

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100224104

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.113(f)(5) and Tex. Health &amp; Safety Code § 341.0315(c)

Violation Description

Failed to comply with the MCL of 0.060 mg/L for haloacetic acids ("HAA5") based on a running annual average. Specifically, the running annual average concentration of HAA5 was 0.113 mg/L for the second quarter of 2006, 0.136 mg/L for the third quarter of 2006, and 0.152 mg/L for the fourth quarter of 2006.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Exceeding the MCL for HAA5 exposed the customers of the water supply to a significant amount of contaminants which did not exceed levels protective of human health.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 1

272 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	X
	single event	

Violation Base Penalty \$250

One annual event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$334

Violation Final Penalty Total \$650

This violation Final Assessed Penalty (adjusted for limits) \$650

## Economic Benefit Worksheet

**Respondent** Red River Redevelopment Authority  
**Case ID No.** 33506  
**Reg. Ent. Reference No.** RN100224104  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,500	1-Apr-2006	30-Nov-2008	2.7	\$334	n/a	\$334

Notes for DELAYED costs

The delayed costs include the amount to implement an alternative method of disinfection, calculated from the date the exceedances were first discovered to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$334



## Compliance History

Customer/Respondent/Owner-Operator:	CN600702740	Red River Redevelopment Authority	Classification: AVERAGE	Rating: 2.77																																																																																																																											
Regulated Entity:	RN100224104	RED RIVER ARMY DEPOT	Classification: AVERAGE	Site Rating: 3.51																																																																																																																											
ID Number(s):	<table><tr><td>AIR OPERATING PERMITS</td><td>ACCOUNT NUMBER</td><td>BK0025R</td></tr><tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>1646</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>56829</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>72472</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>AFS NUM</td><td>4803700006</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>54321</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>79467</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>8315A</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>14466</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>15644</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>17973</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>25001</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>26729</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>28693</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>33967</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>39616</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>38638</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>39086</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>38639</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>40108</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>46097</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>46474</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>ACCOUNT NUMBER</td><td>BK0025R</td></tr><tr><td>PETROLEUM STORAGE TANK</td><td>REGISTRATION</td><td>21468</td></tr><tr><td>REGISTRATION</td><td></td><td></td></tr><tr><td>PUBLIC WATER SYSTEM/SUPPLY</td><td>REGISTRATION</td><td>0190021</td></tr><tr><td>IHW CORRECTIVE ACTION</td><td>SOLID WASTE REGISTRATION # (SWR)</td><td>67004</td></tr><tr><td>INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS</td><td>PERMIT</td><td>50178</td></tr><tr><td>WATER LICENSING</td><td>LICENSE</td><td>0190021</td></tr><tr><td>STORMWATER</td><td>PERMIT</td><td>TXR05P005</td></tr><tr><td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>SOLID WASTE REGISTRATION # (SWR)</td><td>67004</td></tr><tr><td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>EPA ID</td><td>TX3213820738</td></tr><tr><td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>SOLID WASTE REGISTRATION # (SWR)</td><td>67004</td></tr><tr><td>INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE</td><td>PERMIT</td><td>50178</td></tr><tr><td>INDUSTRIAL AND HAZARDOUS WASTE STORAGE</td><td>PERMIT</td><td>50178</td></tr><tr><td>USED OIL</td><td>ID NUMBER</td><td>TYU00024</td></tr><tr><td>WASTEWATER</td><td>PERMIT</td><td>WQ0002206000</td></tr><tr><td>WASTEWATER</td><td>PERMIT</td><td>WQ0002206000</td></tr><tr><td>WASTEWATER</td><td>PERMIT</td><td>TPDES0000132</td></tr><tr><td>WASTEWATER LICENSING</td><td>LICENSE</td><td>WQ0002206000</td></tr><tr><td>WASTEWATER LICENSING</td><td>LICENSE</td><td>WQ0002206000</td></tr></table>				AIR OPERATING PERMITS	ACCOUNT NUMBER	BK0025R	AIR OPERATING PERMITS	PERMIT	1646	AIR NEW SOURCE PERMITS	REGISTRATION	56829	AIR NEW SOURCE PERMITS	REGISTRATION	72472	AIR NEW SOURCE PERMITS	AFS NUM	4803700006	AIR NEW SOURCE PERMITS	PERMIT	54321	AIR NEW SOURCE PERMITS	REGISTRATION	79467	AIR NEW SOURCE PERMITS	PERMIT	8315A	AIR NEW SOURCE PERMITS	PERMIT	14466	AIR NEW SOURCE PERMITS	PERMIT	15644	AIR NEW SOURCE PERMITS	PERMIT	17973	AIR NEW SOURCE PERMITS	PERMIT	25001	AIR NEW SOURCE PERMITS	PERMIT	26729	AIR NEW SOURCE PERMITS	PERMIT	28693	AIR NEW SOURCE PERMITS	PERMIT	33967	AIR NEW SOURCE PERMITS	PERMIT	39616	AIR NEW SOURCE PERMITS	PERMIT	38638	AIR NEW SOURCE PERMITS	PERMIT	39086	AIR NEW SOURCE PERMITS	PERMIT	38639	AIR NEW SOURCE PERMITS	PERMIT	40108	AIR NEW SOURCE PERMITS	PERMIT	46097	AIR NEW SOURCE PERMITS	PERMIT	46474	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BK0025R	PETROLEUM STORAGE TANK	REGISTRATION	21468	REGISTRATION			PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0190021	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	67004	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50178	WATER LICENSING	LICENSE	0190021	STORMWATER	PERMIT	TXR05P005	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	67004	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TX3213820738	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	67004	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50178	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50178	USED OIL	ID NUMBER	TYU00024	WASTEWATER	PERMIT	WQ0002206000	WASTEWATER	PERMIT	WQ0002206000	WASTEWATER	PERMIT	TPDES0000132	WASTEWATER LICENSING	LICENSE	WQ0002206000	WASTEWATER LICENSING	LICENSE	WQ0002206000
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AIR NEW SOURCE PERMITS	PERMIT	39086																																																																																																																													
AIR NEW SOURCE PERMITS	PERMIT	38639																																																																																																																													
AIR NEW SOURCE PERMITS	PERMIT	40108																																																																																																																													
AIR NEW SOURCE PERMITS	PERMIT	46097																																																																																																																													
AIR NEW SOURCE PERMITS	PERMIT	46474																																																																																																																													
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BK0025R																																																																																																																													
PETROLEUM STORAGE TANK	REGISTRATION	21468																																																																																																																													
REGISTRATION																																																																																																																															
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0190021																																																																																																																													
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	67004																																																																																																																													
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50178																																																																																																																													
WATER LICENSING	LICENSE	0190021																																																																																																																													
STORMWATER	PERMIT	TXR05P005																																																																																																																													
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	67004																																																																																																																													
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TX3213820738																																																																																																																													
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	67004																																																																																																																													
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50178																																																																																																																													
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50178																																																																																																																													
USED OIL	ID NUMBER	TYU00024																																																																																																																													
WASTEWATER	PERMIT	WQ0002206000																																																																																																																													
WASTEWATER	PERMIT	WQ0002206000																																																																																																																													
WASTEWATER	PERMIT	TPDES0000132																																																																																																																													
WASTEWATER LICENSING	LICENSE	WQ0002206000																																																																																																																													
WASTEWATER LICENSING	LICENSE	WQ0002206000																																																																																																																													
Location:	On Caney Lake Road, 3000 feet southwest of the intersection of Caney Lake Road and East Boundary Patrol Road, Bowie County, Texas																																																																																																																														
TCEQ Region:	REGION 05 - TYLER																																																																																																																														
Date Compliance History Prepared:	May 03, 2007																																																																																																																														
Agency Decision Requiring Compliance History:	Enforcement																																																																																																																														
Compliance Period:	May 03, 2002 to May 03, 2007																																																																																																																														

### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.

N/A

Effective Date: 07/21/2002

ADMINORDER 1999-1397-MLM-E

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]  
5C THC Chapter 382, SubChapter A 382.0518(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to obtain a permit or meet the requirements for an exemption from permitting for the accidental emissions associated with hazardous waste treatment process.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(G)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.177(a)

Description: Allowed incompatible hazardous wastes to be placed in the same container.

Effective Date: 11/11/2004

ADMINORDER 2004-0373-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.158

Rqmt Prov: Section VI - GW Detec. Monit. PERMIT

Description: Failure to follow certain procedures relating to field and groundwater sampling and field quality control and quality assurance specified in the Facility's Comprehensive Sampling and Analysis Plan.

Effective Date: 03/21/2005

ADMINORDER 2004-0968-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Exceedance of Maximum Contaminant Level (MCL) of 0.080 mg/L. based on a running annual average for Total Trihalomethane (TTHM)

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of Investigations. (CCEDS Inv. Track. No.)

1	05/20/2002	(153279)
2	06/20/2002	(153283)
3	07/22/2002	(153287)
4	08/22/2002	(153291)
5	09/23/2002	(153294)
6	10/21/2002	(153297)
7	11/18/2002	(153301)
8	12/16/2002	(153305)
9	01/28/2003	(153309)
10	02/24/2003	(153267)
11	03/24/2003	(153271)
12	04/24/2003	(153276)
13	05/22/2003	(153280)
14	05/29/2003	(38000)
15	06/26/2003	(153284)
16	07/17/2003	(153288)
17	08/12/2003	(149385)
18	08/26/2003	(293477)
19	08/29/2003	(152568)
20	09/19/2003	(293480)
21	09/25/2003	(250050)
22	10/20/2003	(293483)
23	11/07/2003	(254308)
24	11/18/2003	(293485)
25	12/17/2003	(293487)
26	01/16/2004	(293489)
27	02/20/2004	(293459)
28	03/19/2004	(293464)
29	04/15/2004	(293465)
30	05/20/2004	(293468)
31	05/25/2004	(266819)
32	06/22/2004	(293471)
33	06/24/2004	(277481)
34	07/21/2004	(293474)
35	08/12/2004	(351233)
36	08/30/2004	(292782)
37	09/09/2004	(289737)
38	09/13/2004	(351234)
39	09/20/2004	(281467)
40	09/30/2004	(333633)
41	10/11/2004	(351235)
42	10/28/2004	(291964)
43	11/12/2004	(351236)
44	11/23/2004	(340049)
45	12/10/2004	(351237)
46	01/10/2005	(381446)
47	02/02/2005	(348494)

48 02/17/2005 (381443)  
 49 02/28/2005 (350106)  
 50 03/11/2005 (381444)  
 51 03/17/2005 (374489)  
 52 03/22/2005 (374482)  
 53 04/15/2005 (381445)  
 54 05/12/2005 (419219)  
 55 05/17/2005 (375777)  
 56 06/20/2005 (419220)  
 57 07/20/2005 (440440)  
 58 08/05/2005 (403316)  
 59 08/18/2005 (440441)  
 60 08/22/2005 (404980)  
 61 09/16/2005 (440442)  
 62 10/20/2005 (467714)  
 63 11/17/2005 (467715)  
 64 11/18/2005 (435843)  
 65 12/16/2005 (467716)  
 66 01/20/2006 (467717)  
 67 02/09/2006 (450566)  
 68 02/21/2006 (467713)  
 69 03/16/2006 (497745)  
 70 03/22/2006 (459044)  
 71 04/03/2006 (460749)  
 72 04/03/2006 (453376)  
 73 04/19/2006 (497746)  
 74 05/01/2006 (463168)  
 75 05/18/2006 (497747)  
 76 06/20/2006 (497748)  
 77 07/18/2006 (482566)  
 78 07/19/2006 (497749)  
 79 07/20/2006 (485875)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

**Date: 05/31/2002 (153283)**  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
**Date: 01/31/2003 (153267)**  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
**Date: 02/28/2003 (153271)**  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
**Date: 03/31/2003 (153276)**  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
**Date: 04/30/2003 (153280)**  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
**Date: 06/03/2003 (38000)**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(C)  
 Description: Failure to have a Test Report completed by a recognized backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the regulated entity for record keeping purposes.  
 Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]  
 Description: Failure to initiate a maintenance program to improve the general appearance of all regulated entities and reduce costly repairs due to a lack of proper maintenance. This program should include painting the piping in the pump room and repairing the leaking backwash pump  
 Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)  
 Description: Failure to locate the overflow, which terminates at any point other than ground level, near enough and at a position accessible from a ladder or the balcony for inspection purposes.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)  
 Description: Failure to maintain the public water system's tank inspection records. The records must be accessible for review during inspections.

**Date:** 06/30/2003 (153288)  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
**Description:** Failure to meet the limit for one or more permit parameter  
**Date:** 08/31/2003 (293480)  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
**Description:** Failure to meet the limit for one or more permit parameter  
**Date:** 09/30/2003 (293483)  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
**Description:** Failure to meet the limit for one or more permit parameter  
**Date:** 04/30/2004 (293468)  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
**Description:** Failure to meet the limit for one or more permit parameter  
**Date:** 05/28/2004 (266819)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(C)  
**Description:** Failure to have a Test Report completed by a recognized backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the regulated entity for record keeping purposes.  
**Self Report?** NO **Classification:** Major  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.43(c)(3)  
**Description:** Failure to locate the overflow, which terminates at any point other than ground level, near enough and at a position accessible from a ladder or the balcony for inspection purposes.  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)  
**Description:** Failure to maintain the public water system's tank inspection records. The records must be accessible for review during inspections.  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.42(i)  
**Description:** Failure to ensure that all chemicals used in treatment of water supplied by public water systems must conform to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 60.  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.42(e)(2)  
**Description:** Failure to locate intakes so as not to be subject to excessive siltation or subject to receiving immediate runoff from wooded sloughs or swamps.  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.42(d)(14)  
30 TAC Chapter 290, SubChapter F 290.111(c)(2)  
**Description:** Failure to have a sample tap to monitor the turbidity of the combined filter effluent. Failure to monitor the combined-filter effluent consistent with the system's monitoring plan.  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)[G]  
**Description:** Failure to provide adequate containment facilities for all liquid chemical storage tanks.  
**Date:** 05/31/2004 (293471)  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
**Description:** Failure to meet the limit for one or more permit parameter  
**Date:** 07/31/2004 (351233)  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
**Description:** Failure to meet the limit for one or more permit parameter  
**Date:** 08/30/2004 (292782)  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.117(b)(2)  
5C THC Chapter 382, SubChapter A 382.058(b)  
**Rqmt Prov:** PA  
**Description:** Failure to submit required information in a timely manner.

**Date: 11/23/2004 (340049)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to notify the Texas Commission on Environmental Quality (TCEQ) Tyler Regional Office of a reportable excess opacity event within 24 hours after discovery of the event.  
Self Report? NO Classification: Moderate  
Citation: 5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to prevent unauthorized emissions during seven excess opacity events at the facility.

**Date: 05/20/2005 (375777)**

Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]  
Description: Failure to initiate a maintenance program to improve the general appearance of all regulated entities and reduce costly repairs due to a lack of proper maintenance. This program should include painting the piping in the pump room and repairing the leaking backwash pump  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(i)  
Description: Failure to ensure that all chemicals used in treatment of water supplied by public water systems must conform to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 60.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(2)  
Description: Failure to locate intakes so as not to be subject to excessive siltation or subject to receiving immediate runoff from wooded sloughs or swamps.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(14)  
30 TAC Chapter 290, SubChapter F 290.111(c)(2)  
Description: Failure to have a sample tap to monitor the turbidity of the combined filter effluent. Failure to monitor the combined-filter effluent consistent with the system's monitoring plan.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)[G]  
Description: Failure to provide adequate containment facilities for all liquid chemical storage tanks.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)  
Description: Failure to flush all dead-end mains monthly, or more often if required, to maintain water quality.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)  
Description: Failure to equip a potable water storage tank with a water level indicator located at the tank site.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)  
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)  
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(iii)  
Description: Failure to properly calibrate disinfectant residual analyzers.

**Date: 06/30/2005 (440440)**

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

**Date: 04/03/2006 (453376)**

Self Report? NO Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121[G]  
30 TAC Chapter 335, SubChapter A 335.4[G]  
Rqmt Prov: PERMIT TCEQ Permit No. HW-50178  
Description: Failure to abate a unauthorized surface discharge.  
Self Report? NO Classification: Minor  
Rqmt Prov: IHWPERMTCP TCEQ Compliance Plan - CP-50178  
Description: Failure to maintain the groundwater monitoring well pads at OB/OD #28 and OTC #66.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter F 335.174(b)(1)  
Rqmt Prov: PERMIT TCEQ Permit No. HW-50178  
Description: Failure to maintain the cover on the OTC Landfill (Permit Unit No. 11).  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)(2)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)(ii)  
Description: Failure to properly mark a five gallon container for blasting media either with the words, "Hazardous Waste" or with other words that identify the contents of the container located in the satellite accumulation area (SAA) at Building #421.

**Date: 07/07/2006 (555420)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5) 5A  
THC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for haloacetic acids during the second quarter of 2006.

**Date:** 07/20/2006 (555856)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 290, SubChapter F 290.113(f)(4) 5A  
 THC Chapter 341, SubChapter A 341.0315(c)  
**Description:** Violated the maximum contaminant level for trihalomethanes during the second quarter of 2006.

**Date:** 7/21/2006 (482566)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.42(d)(1)  
**Description:** PWS FY06 - Failure to provide complete treatment of all water secured from surface water surfaces. The flash mix, flocculation and clarification equipment must be updated to meet current regulations.

**Date:** 10/06/2006 (530960)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1) 30  
 TAC Chapter 305, SubChapter F 305.125(17)  
**Description:** NON-RPT VIOS FOR MONIT PER OR PIPE

**Date:** 11/10/2006 (555864)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 290, SubChapter F 290.113(f)(5) 5A  
 THC Chapter 341, SubChapter A 341.0315(c)  
**Description:** Violated the maximum contaminant level for haloacetic acids during the third quarter of 2006.

**Date:** 11/10/2006 (555868)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 290, SubChapter F 290.113(f)(4) 5A  
 THC Chapter 341, SubChapter A 341.0315(c)  
**Description:** Violated the maximum contaminant level for trihalomethanes during the third quarter of 2006.

**Date:** 01/17/2007 (555884)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 290, SubChapter F 290.113(f)(5) 5A  
 THC Chapter 341, SubChapter A 341.0315(c)  
**Description:** Violated the maximum contaminant level for haloacetic acids during the fourth quarter of 2006.

**Date:** 01/30/2007 (555887)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 290, SubChapter F 290.113(f)(4) 5A  
 THC Chapter 341, SubChapter A 341.0315(c)  
**Description:** Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2006.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
RED RIVER REDEVELOPMENT  
AUTHORITY  
RN100224104**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0711-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Red River Redevelopment Authority ("Red River") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Red River presented this agreement to the Commission.

Red River understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Red River agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Red River.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. Red River owns a public water supply on Caney Lake Road, 3000 feet southwest of the intersection of Caney Lake Road and East Boundary Patrol Road, Bowie County, Texas (the





- "Facility") that has approximately 1,033 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted on April 5, 2007, TCEQ staff documented that Red River did not comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on a running annual average. Specifically, the running annual average concentration of TTHM was 0.212 mg/L for the second quarter of 2006, 0.191 mg/L for the third quarter of 2006, and 0.206 mg/L for the fourth quarter of 2006.
  3. During a record review conducted on April 5, 2007, TCEQ staff documented that Red River did not comply with the MCL of 0.060 mg/L for haloacetic acids ("HAA5") based on a running annual average. Specifically, the running annual average concentration of HAA5 was 0.113 mg/L for the second quarter of 2006, 0.136 mg/L for the third quarter of 2006, and 0.152 mg/L for the fourth quarter of 2006.
  4. Red River received notices of the violations on July 7 and 20, and November 10, 2006, and January 17 and 30, 2007.

## II. CONCLUSIONS OF LAW

1. Red River is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, Red River failed to comply with the MCL of 0.080 mg/L for TTHM, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4), TEX. HEALTH & SAFETY CODE § 341.0315(c), and Agreed Order Docket No. 2004-0968-PWS-E, Ordering Provision No. 2.
3. As evidenced by Findings of Fact No. 3, Red River failed to comply with the MCL of 0.060 mg/L for haloacetic acids ("HAA5"), in violation of 30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Red River for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Two Thousand Six Hundred Dollars (\$2,600) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Red River has paid the Two Thousand Six Hundred Dollar (\$2,600) administrative penalty.

[illegible]

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Red River is assessed an administrative penalty in the amount of Two Thousand Six Hundred Dollars (\$2,600) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Red River's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Red River Redevelopment Authority, Docket No. 2007-0711-PWS-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. Red River shall undertake the following technical requirements:

- a. Within 365 days after the effective date of this Agreed Order:
  - i. Return to compliance with the running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113; and
  - ii. Return to compliance with the running annual average MCL for HAA5, in accordance with 30 TEX. ADMIN. CODE § 290.113.
- b. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

CONFIDENTIAL - SECURITY INFORMATION  
EXCLUDED FROM AUTOMATIC DOWNGRADING AND DECLASSIFICATION

MEMORANDUM FOR THE DIRECTOR

SUBJECT: [Illegible]

[Illegible text block]

[Illegible text block]

[Illegible text block]

[Illegible text block]

[Illegible text block]

[Illegible text block]

[Illegible text block]

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Public Water Supply Section, Manager  
Tyler Regional Office  
Texas Commission on Environmental Quality  
2916 Teague Drive  
Tyler, Texas 75701-3756

3. The provisions of this Agreed Order shall apply to and be binding upon Red River. Red River is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Red River shall be made in writing to the Executive Director. Extensions are not effective until Red River receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Red River if the Executive Director determines that Red River has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against Red River in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

10/18/07  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Red River Redevelopment Authority. I am authorized to agree to the attached Agreed Order on behalf of Red River Redevelopment Authority, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Red River Redevelopment Authority waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

6/21/07  
Date

DUANE LAVERY  
Name (Printed or typed)  
Authorized Representative of  
Red River Redevelopment Authority

EXECUTIVE DIRECTOR  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

